



# House of Representatives

General Assembly

**File No. 282**

*January Session, 2001*

House Bill No. 6778

*House of Representatives, April 12, 2001*

The Committee on Planning and Development reported through REP. DAVIS of the 50th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING THE CONNECTICUT COASTLINE PORT AUTHORITY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 32-425 of the general statutes is repealed and the  
2 following is substituted in lieu thereof:

3 As used in sections 32-425 to 32-434, inclusive:

4 (1) "Authority" means the Connecticut [Coastline] Port Authority.

5 (2) "Board" means the board of directors of the authority.

6 (3) "Director" means a member of the board.

7 (4) "Executive director" means the chief executive and  
8 administrative officer of the authority.

9 (5) "Federal government" means the United States of America, the  
10 President of the United States of America and any department or

11 corporation, agency, or instrumentality created, designated or  
12 established before or after July 1, 1993, by the United States of  
13 America.

14 (6) "Port" means all ports, harbors and navigable tidal rivers of  
15 [Bridgeport, New Haven and New London] the state, from the head of  
16 navigation to the seaward limits within the jurisdiction of the state.

17 (7) "State" means the state of Connecticut.

18 Sec. 2. Section 32-426 of the general statutes is repealed and the  
19 following is substituted in lieu thereof:

20 (a) There is hereby created a body politic and corporate to be known  
21 as the "Connecticut [Coastline] Port Authority". [, hereinafter referred  
22 to as the authority.] The authority is constituted a public  
23 instrumentality and political subdivision of the state and the exercise  
24 by the authority of the powers conferred in sections 32-425 to 32-434,  
25 inclusive, as amended by this act, shall be deemed and held to be the  
26 performance of an essential public and governmental function. The  
27 Connecticut [Coastline] Port Authority shall not be construed to be a  
28 department, institution or agency of the state.

29 (b) The authority shall be governed by a board of directors  
30 consisting of the Commissioners of Transportation and Economic and  
31 Community Development, serving ex officio; one port professional  
32 from each of the port areas of Bridgeport, New Haven and New  
33 London designated by the chairman of the Bridgeport Port Authority,  
34 the chairman of the New Haven Harbor Cooperative and the chief  
35 executive officer of the city of New London, respectively, provided in  
36 no event shall there be more than one representative from a single  
37 business entity, each serving as ex-officio nonvoting members; six  
38 members appointed by the Governor, one of whom shall be a resident  
39 of the city of New London, one of whom shall be a resident of the city  
40 of New Haven and one of whom shall be a resident of the city of

41 Bridgeport; and six members appointed as follows: One by the  
42 president pro tempore of the Senate, one by the majority leader of the  
43 Senate, one by the minority leader of the Senate, one by the speaker of  
44 the House of Representatives, one by the majority leader of the House  
45 of Representatives and one by the minority leader of the House of  
46 Representatives. The Commissioner of Transportation or the  
47 Commissioner of Economic and Community Development may  
48 designate [his] a deputy or any member of [his] the commissioner's  
49 staff to represent [him] the commissioner at meetings of the authority,  
50 with full power to act and vote [in his behalf] on behalf of the  
51 commissioner. The term of each member of the board shall be  
52 coterminous with the term of the appointing authority for such  
53 member or until a successor is chosen, whichever is later. The  
54 Governor shall fill any vacancy for the unexpired term of a member  
55 appointed by the Governor. The appropriate appointing authority  
56 shall fill any vacancy for the unexpired term of a member appointed  
57 by the appointing authority. Whenever there is a vacancy, other than  
58 with regard to an ex-officio member, the executive director shall send  
59 written notice of the vacancy to the appointing authority for such  
60 vacant position. For the purposes of this section, "port professional"  
61 means an individual actively engaged in port operations.

62 (c) The Commissioner of Transportation shall serve as chairperson  
63 of the board. The directors shall annually elect one of their number as  
64 secretary. The board may elect such other officers of the board as it  
65 deems proper. Members shall receive no compensation for the  
66 performance of their duties, [hereunder] but shall be reimbursed for  
67 necessary expenses incurred in the performance thereof.

68 (d) Each director of the authority, before entering upon [his duties]  
69 the duties of the position, shall take and subscribe the oath or  
70 affirmation required by article eleventh, section 1, of the constitution.  
71 A record of each such oath or affirmation shall be filed in the office of  
72 the Secretary of the State. The board [of directors of the authority] shall

73 adopt written procedures, in accordance with the provisions of section  
74 1-121, for: (1) Adopting an annual budget and plan of operations,  
75 including a requirement of board approval before the budget or plan  
76 may take effect; (2) hiring, dismissing, promoting and compensating  
77 employees of the authority including an affirmative action policy and a  
78 requirement of board approval before a position may be created or a  
79 vacancy filled; (3) acquiring personal services, including a requirement  
80 of board approval for any nonbudgeted expenditure in excess of five  
81 thousand dollars; (4) contracting for financial, legal and other  
82 professional services, including a requirement that the authority solicit  
83 proposals at least once every three years for each such service which it  
84 uses; and (5) the use of surplus funds to the extent authorized under  
85 sections 32-425 to 32-434, inclusive, as amended by this act, or other  
86 provisions of the general statutes.

87 (e) No trustee, director, partner or officer of any person, firm or  
88 corporation which owns port facilities, or individual having a financial  
89 interest in any such person, firm or corporation, shall serve as a  
90 member of the board. [of directors of the authority.] No provision of  
91 this subsection shall prohibit a governmental employee from serving  
92 as a member of [said] the board.

93 (f) The Commissioner of Transportation shall, within available  
94 appropriations, provide administrative or other services to the  
95 authority.

96 Sec. 3. Section 32-430 of the general statutes is repealed and the  
97 following is substituted in lieu thereof:

98 The purpose of the authority shall be to promote the economic  
99 development of the port areas [of Bridgeport, New Haven and New  
100 London] in the state, in support of the entities operating [said] such  
101 port areas, by (1) providing economic development planning, (2)  
102 identifying new opportunities for the ports, (3) encouraging year-  
103 round use of water-related industries, (4) ensuring competitiveness of

104 port resources, (5) analyzing the potential for private investment in  
105 said ports, (6) analyzing the types of industries that could utilize the  
106 ports, (7) determining port-related capital spending needs, (8)  
107 recommending investments in port infrastructures, (9) working with  
108 other agencies to maintain utility and other infrastructure capabilities  
109 of the ports, (10) improving the competitive position of the ports  
110 through unified marketing, (11) strengthening the niche market of each  
111 port to ensure an identifiable competitive advantage, (12) reviewing  
112 ocean-borne international trade in New England, analyzing historical  
113 trends and forecasting future cargo flows at the ports, and (13)  
114 maintaining a current impact analysis for each port and for the state  
115 port system as a whole. No provision of sections 32-425 to 32-434,  
116 inclusive, as amended by this act, shall be construed to limit the  
117 powers and duties of the Commissioner of Transportation with regard  
118 to the operation and development of ports.

119 Sec. 4. Subsection (l) of section 1-79 of the general statutes is  
120 repealed and the following is substituted in lieu thereof:

121 (l) "Quasi-public agency" means the Connecticut Development  
122 Authority, Connecticut Innovations, Incorporated, Connecticut Health  
123 and Education Facilities Authority, Connecticut Higher Education  
124 Supplemental Loan Authority, Connecticut Housing Finance  
125 Authority, Connecticut Housing Authority, Connecticut Resources  
126 Recovery Authority, Connecticut Hazardous Waste Management  
127 Service, Lower Fairfield County Convention Center Authority, Capital  
128 City Economic Development Authority and Connecticut [Coastline]  
129 Port Authority.

130 Sec. 5. Subdivision (1) of section 1-120 of the general statutes is  
131 repealed and the following is substituted in lieu thereof:

132 (1) "Quasi-public agency" means the Connecticut Development  
133 Authority, Connecticut Innovations, Incorporated, Connecticut Health  
134 and Educational Facilities Authority, Connecticut Higher Education

135 Supplemental Loan Authority, Connecticut Housing Finance  
136 Authority, Connecticut Housing Authority, Connecticut Resources  
137 Recovery Authority, Connecticut Hazardous Waste Management  
138 Service, Connecticut [Coastline] Port Authority, Capital City Economic  
139 Development Authority and Connecticut Lottery Corporation.

140 Sec. 6. Section 1-125 of the general statutes is repealed and the  
141 following is substituted in lieu thereof:

142 The directors, officers and employees of the Connecticut  
143 Development Authority, Connecticut Innovations, Incorporated,  
144 Connecticut Higher Education Supplemental Loan Authority,  
145 Connecticut Housing Finance Authority, Connecticut Housing  
146 Authority, Connecticut Resources Recovery Authority, Connecticut  
147 Health and Educational Facilities Authority, Capital City Economic  
148 Development Authority, Connecticut Lottery Corporation and  
149 Connecticut [Coastline] Port Authority and any person executing the  
150 bonds or notes of the agency shall not be liable personally on such  
151 bonds or notes or be subject to any personal liability or accountability  
152 by reason of the issuance thereof, nor shall any director or employee of  
153 the agency be personally liable for damage or injury, not wanton,  
154 reckless, wilful or malicious, caused in the performance of his or her  
155 duties and within the scope of his or her employment or appointment  
156 as such director, officer or employee. The agency shall protect, save  
157 harmless and indemnify its directors, officers or employees from  
158 financial loss and expense, including legal fees and costs, if any, arising  
159 out of any claim, demand, suit or judgment by reason of alleged  
160 negligence or alleged deprivation of any person's civil rights or any  
161 other act or omission resulting in damage or injury, if the director,  
162 officer or employee is found to have been acting in the discharge of his  
163 or her duties or within the scope of his or her employment and such  
164 act or omission is found not to have been wanton, reckless, wilful or  
165 malicious.

166       Sec. 7. The appropriation to the Department of Transportation for  
167       the fiscal years ending June 30, 2002, and June 30, 2003, for the  
168       Connecticut Coastline Port Authority shall be increased by forty-five  
169       thousand dollars.

**TRA**       *Joint Favorable C/R*

PD

**PD**       *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** Cost, (Transportation Fund)

**Affected Agencies:** Department of Transportation

**Municipal Impact:** None

**Explanation****State Impact:**

This bill broadens the scope of the Connecticut Coastline Port Authority (renamed under the bill the Connecticut Port Authority) from the current three (3) commercial ports (Bridgeport, New Haven and New London) to lesser used ports, makes technical changes, and increases the Department of Transportation's appropriation for FY 02 and FY 03 for the Port Authority by \$45,000. It is not clear whether the appropriation of \$45,000 is for each fiscal year or \$90,000 for the 2001-2003 biennium, or a total of \$45,000 for the biennium. Currently, the DOT budgets \$10,000 annually for the Authority.



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**OLR BILL ANALYSIS**

HB 6778

***AN ACT CONCERNING THE CONNECTICUT COASTLINE PORT AUTHORITY.*****SUMMARY:**

This bill (1) expands the scope of the Connecticut Coastline Port Authority to include all ports, harbors, and navigable tidal rivers in the state's municipalities instead of only the three deepwater ports in Bridgeport, New Haven, and New London; (2) renames it the Connecticut Port Authority; and (3) increases by \$45,000 the Department of Transportation's appropriation for FYs 2001-02 and 2002-03 for the current Connecticut Coastline Port Authority, although it is not clear if the \$45,000 increase is in each year or a total for both years.

The bill expands the authority's charge to include promoting the economic development of all port areas rather than only those of Bridgeport, New Haven, and New London. Finally, the bill requires the authority's executive director to notify the appropriate appointing authority in writing that a vacancy has occurred among the board of directors. The authority's board consists of the transportation and economic development commissioners; six appointed by the governor; six members appointed, one apiece, by the House speaker, Senate president, and House and Senate majority and minority leaders; and one nonvoting representative from each of the three deepwater ports appointed by designated local officials.

EFFECTIVE DATE: October 1, 2001

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable Change of Reference

Yea 27      Nay 0

Planning and Development Committee

Joint Favorable Report

Yea 17      Nay 0